

1900-032

Lee Co.

Chancery Causes: Josh E. Morely vs. Henly Brooks &c

Levarton, Bailey, Morley, Fulkerson, Wynn

CA-Estate Dispute

T-Vices

To the Honorable W.T. Miller Judge of the Circuit Court
of Lee County Va.

Your orator *Josh. E. Morely*
Humbly complaining, sheweth unto your honor, that your orator
father, George Morely, was in his lifetime seized and possesse
of certain real estate, lying in the County of Lee, consisting
of two tracts, one of which contains $36\frac{1}{2}$ acres, and is bounde
by the lands of Wm. Morely, S. E. Thompson, and R. B. Ely, the other
tract consists of $78\frac{1}{2}$ acres, and is bounded by the lands of
Frank Gibson, Wm. Morely, and others, and being so thereof
seized and possessed, sometime in the year 188 , departed this
life
intestate, leaving your orator, Lewis Morely, John E. Morely,
Martha Levarton nee Morely, Lizzie *Baily* *nee* Morely, Blair
Morely, Nattie G. Morely and the infant children of Mary Brooks
dec. *nee* Morely, which are Lizzie, William, Archie, Alice, Milton,
and Mollie Brooks, his only children and heirs at law. That
said Blair Morely Nattie Morely, and the children of Mary
Brooks dec. are infants under the age of twenty one years.
And your orator further states that the said real estate is,
as he believes, susceptible of partition amongst the parties
entitled thereto; but your orator would further state that
Lizzie Baily and your orator have purchased the undivided in-
terests of Lewis Morely, John E. Morely, and Martha Levarton in
said land at the price of \$100.00, each, and your *orator* alleges that
it will be greatly to the interest of the infants, for their
interest to be sold and the money put to interest, and your o
rator would state that he is willing that the infants
interest be allotted to him or be sold, and your *orator* binds him-
self to pay them \$100. each, for the three interests to wit:
Blair Morely, \$100. Nattie Morely \$100. and the six infant
children of Mary Brooks dec. \$100. exclusive of their proportion
part of the costs of this suit. In tender consideration whereof
and forasmuch as your orator is remediless in the premises

save by the aid of a Court of equity, where matters ^{of} this kind
are cognizable, your orator prays that the said Lewis Morely
John E. Morely, Martha Levarton and her husband G.W. Levarton
Lizzie Bailey and her husband Smith Baily, Henly Brooks hus-
band of Mary Brooks dec. Blair Morely, Nattie Morely, Lizzie
Brooks, Wm. Brooks, Arch Brooks, Alice Brooks, Milton Brooks,
and Mollie Brooks be made parties defendants to this bill and
answer the same, but not on oath that being waived, that a
proper guardian, ad litem, be assigned the infant defendants
to defend their interests in this suit; that the said real
estate be divided between the parties aforementioned
entitled thereto, and your orator's portion thereof allowed
to him; and in case the said real estate be indivisible, that
the same be exposed to sale, especially the interests of
the infants, and the proceeds thereof be distributed among
the parties entitled thereto; that proper process may issue
and that such other further and general relief may be
afforded your orator as the nature of his case may require.
or to equity shall seem meet. And your orator will ever
pray, etc.

M. G. Ely p. 9.

Pliffs Costs
 Clerk 7.54
 Tax 1.50
 Shff 1.50
 atty 18.00
 Printer 5.00
 G. A. 5.00
 Estimated 5.00
 Total 41.74
 17.00

58.82
 1.6
 22.82
 2.3
 17.82

341.74

Josh. E. Morely

341.74
 11.0370

341.74
 58.82
 282.92
 141.46
 94.30

Josh. E. Morely
 vs. E. Billie Chaucery

Henry Brooks et al -
 1897 1st Oct rules Spu 4d
 on adult home debts
 + O. P. as to abusers -
 idents
 " 2nd Oct rules Spu 4d
 + O. P. Complete Cause
 Set for hearing

1897 Novor term Court

1898 March Term Court

" June " "

" Novor " "

1899 March " "

" June " "

" Novor " "

1900 March Term Decree

final Order Book

No 6 Page 363

Virginia:

Circuit Court, for Lee County:
To the Hon. W. T. Miller, Judge of
The said Court:-

The joint and separate answer
of Blair Morely, Nattie Morely, Lizzie
Brooks, William Brooks, Archie
Brooks, Alice Brooks, Milton Brooks
and Mollie Brooks, infants under
the age of twenty-one years, by L.
L. Hyatt, Their Guardian ad litem,
assigned to defend them in this
suit, to a bill of complaint exhibited
against them and others, in the said
Court, by Josh. E. Morely:

Respondents, reserving to them-
selves the benefit of all just ex-
ceptions to the said bill, for an-
swer thereto, or to so much thereof as
they are advised that it is material they
should answer, by their said guardian
ad litem, answer and say:

That they are infants of tender
years, and by reason of their infancy,
are incapable of understanding, or of
taking care of their rights and interests.
They, therefore, by their said guardian,
commend themselves and their rights
and interests to the protection of the

Court, and pray that no decree may be pronounced which will tend to their prejudice.

And having fully answered, the said respondents pray to be hence dismissed with their reasonable costs in this behalf expended, and they will ever pray &c.

L. T. Hyatt, Guardian ad litem
for Blair Morely, Nattie
Morely, Lizzie Brooks, Wil-
liam Brooks, Archie
Brooks, Alice Brooks,
Milton Brooks and
Mollie Brooks.

Virginia:

County of Lee, to wit:

This day personally appeared be-
fore me, A. B. Munsey, Clerk of the Cir-
cuit Court for said County of Lee, in
the State of Virginia, L. T. Hyatt, guar-
dian ad litem for Blair Morely,
Nattie Morely, Lizzie Brooks, Wil-
liam Brooks, Archie Brooks, Alice
Brooks, Milton Brooks and Mollie
Brooks, whose answer is above writ-
ten, and made oath that the statements
contained in the said answer, so far

as made of his own knowledge are true;
and so far as made from knowledge
or information derived from others, he
believes to be true.

Given under my hand this 21st day
October, in the year eighteen hundred
and, ninty - seven.

A B Munsey Clerk

Josh. E. Morely

vs $\frac{3}{2}$ In Chy.

Heuly Brooks et al

Answer of infant de-
fendants, by L. T. Hyatt,
their guardian ad li-
tem.

Filed Oct 21st 1897
ATB Munsey clk

G. A. L. Fee \$5.00

www

Josh. E. Morely Off-
against & in Chancery
Henry Brooks et al, Defts.

This cause came on this day to be heard
upon the papers formerly read in the cause, the
report of commissioner M. G. Ely, and was
argued by counsel

On consideration of which said report is
approved and confirmed, and it appearing from
said report that the purchaser Josh. E. Morely
is entitled to a deed, to the lands purchased by
him in this cause, M. G. Ely is hereby appointed
a commissioner for that purpose, who will
execute to the purchaser a deed with covenants
of ~~land~~ special warranty, and said deed
having been made and filed in
said cause, and been inspected by the
court is approved and confirmed, and
it is further ordered and decreed, that the
purchaser, Josh. E. Morely pay to M. G. Ely
commissioner the sum of \$5⁰⁰ for executing
said deed, and he may withdraw the same
for recordation, and the cause is stricken
from the docket,

Josh. E. Mouly Off-
no. 48 Decree Final
Henry Brookhought

Entered on City O.B.
No 6 Page 363

Enter This

Hawthorn

March 13th 1905 -

Shenandoah County Va

Josh. E. Morely Plff.

vs. E.E. De Chancery

Henry Brooks et al. Defts.

This cause came on this day to be heard upon the papers formerly read in the cause. The report of sale by commissioner M. H. Ely, and was argued by counsel,

On consideration of which, it appearing that said report, had been filed more than ten days, and being unexcepted to, it is adjudged ordered and decreed that said sale and report be and are hereby confirmed, That said commissioner discharge the costs in his hands, to those entitled thereto, and proceed to collect the purchase money as it becomes due, And the cause is continued,

Josh. E. Morely Refd
us. & Deane no. 2

Henry Brooks et al. Refd

Exc. Comm. No 6 p 101

Enter This

Mr. J. A.

June 8th 1898

Josh E. Morely Plff.
against ~~EE~~ In Chancery -
Healy Brooks et als - Defts.

This cause came on this day to be heard upon the Bill of complainant, the answer of the infant defendants by T. J. Wyatt their guardian ad litem, depositions of witnesses, and order of publication duly, posted and published against the non-respondent defendants, and was argued by Counsel -

On consideration of which it is adjudged, ordered and decreed, that M. G. Ely, who is hereby appointed a commissioner for the purpose, do sell at public auction to the highest bidder the lands owned by the infant defendants in this cause, he will sell at the front door of the court house, after having advertised the same for 30 days by written notices posted in the vicinity of said land, and at the front door of the court house of Lee County,

Said commissioner will start the sale at the sum of \$100, for each share of the infants interest exclusive of the costs of this suit, ^{at Josh E. Morely's bid} the sale shall be on a credit of one and two years except costs and commissions of sale of suit, which shall be paid down, and for the deferred payments said commissioner shall take bonds with good security, but before performing the duties required of him under this decree he will execute bond before the clerk of this court

in the sum of \$400, Conditional according to law - and report his action hereon to the next term of this court, and the cause is continued,

Josh E. Morely.
no. 55 Secum
Henry Brooks et al

Eu. C. O. B. No. 6. p. 46.
H

Enter this

M. J. M.

Nov 5th. 1898

Virginia

At a circuit court continued and held for Lee County at the Court house thereof on Friday the 5th day of Nov. 1897.

Josh E. Morely

Plff

vs

In Chancery

Merly Brooks et al Deft

This cause came on this day to be heard upon the bill of the complainant the answer of the infant defendants by L. F. Hyatt, their guardian ad litem, depositions of witnesses, and order of Publication duly posted and published against the non-resident defendants, and was argued by counsel. On consideration of which it is adjudged ordered and decreed that Mr. G. Ely who is hereby appointed a commissioner for the purpose do sell at public auction to the highest bidder the lands owned by the infant defendants in this cause. He will sell at the front door of the Court house, after having advertised the same for 30 days by written notices posted in the vicinity of said land and at the front door of the Court house of Lee County. Said commissioner

will start the sale at the sum of one hundred dollars for each share of the infants interest, exclusive of the costs of this suit at Josh Morely's bid. the sale shall be on a credit of one and two years except costs of suit and commissions of sale, which shall be paid down, and for the deferred payments said commissioner shall take bonds with good security, but before performing the duties required of him under this decree he will execute bond before the clerk of this court in the sum of \$400.00 conditioned according to law. and report his action hereunder to the next term of this court. And the cause is continued.

A Copy

Teste: C. B. Munsey Clerk.

(1 Copy)

Virginia

At a circuit Court continued and held for Lee County at the Court-house thereof on Friday the 5th day of November 1897.

Josh E Morely. Plaintiff

vs

Henry Brooks et al Defendants

} In Chancery

This Cause came on this day to be heard upon the bill of the Complainant, the answer of the infant defendants by L. T. Hyatt, their Guardian ad litem, depositions of witnesses, and order of Publication duly posted and published against the non-resident defendants, and was argued by Counsel. On consideration of which it is adjudged ordered and decreed that M. S. Ely who is hereby appointed a Commissioner for the purpose do sell at public auction to the highest bidder the lands owned by the infant defendants in this Cause, he will sell at the front door of the Court-house, after having advertised the same for 30 days by written notices posted in the vicinity of said land and at the front door of the Court-house of Lee County. Said Commissioner will start the sale

at the sum of one hundred dollars
for each share of the infants interest, ex-
clusive of the costs of this suit at Josh
Morely's bid, the sale shall be on a cred-
it of one and two years except costs of
suit, and commissions of sale, which
shall be paid down, and for the deferred
payments said Commissioner shall take
bonds with good security, but before
performing the duties required of him
under this decree he will execute bond
before the Clerk of this Court in the sum
of \$400.00, conditioned according to law,
and report his action hereunder to the
next term of this Court, and the cause
is continued.

A Copy

Teste: A. B. Munsey Clerk

Josh E. Morley

A Copy of Decree

Merely Brooks et al

Entered Nov 29th 1897

By delivering an attested

office copy of the within

Decree to W. J. Ely in

Lee County Va.

W. J. Weston S.S.C.

Copy for Mr. W. Ely

Clerk 75^{cts}

To Lewis Morely, John E. Morely, Martha Levarton, G.
W. Loverton, Lizzie Bailey, Smith Bailey, Henry Brooks,
Blair Morely, Mattie Morely, Lizzie Brooks, William Br
ooks, Arch Brooks, Alice Brooks, Milton Brooks and Mol-
lie Brooks:

You will please take notice that on the 29th day of
October 1897, at the law office of M.G. Ely, in Lee Coun-
ty, Virginia, I will proceed to take the depositions of
myself and others, which depositions, when taken, are
intended to be read as evidence in my behalf in a cert-
tain suit in chancery pending in the Circuit Court for
said County, wherein I am plaintiff and you are defend-
ants.

Josh Morely.

I accept legal service of the above notice.

L. L. Hyatt, Guardian ad litem for
Blair Morely, Mattie Morely, Lizzie
Brooks, William Brooks, Arch Brooks, Alice
Brooks, Milton Brooks and Mollie Brooks.

The depositions of Josh Morely and others, taken, pursuant to notice hereto annexed, before me, A.J. Myers, a justice of the peace for Lee County, Virginia, at the Law Office of M.G. Ely, in said County, to be read as evidence in behalf of the plaintiff in a certain suit in chancery, pending in the Circuit Court for Lee County, wherein the said Josh Morely is plaintiff and Henly Broo and others are defendants.

Present: M.G. Ely, Attorney for the plaintiff, and
the plaintiff in person.

L.T. Hyatt, Guardian ad litem for Blair
Morely, Nattie Morely, Lizzie Brooks,
William Brooks, Arch Brooks, Alice
Brooks, and Mollie Brooks.

The witness, Josh Brooks, being first duly sworn,
deposes and says:

First question for plaintiff.--State your age, residence, and occupation.

Answer.--I am twenty-seven years of age, reside at ~~Roze~~ Ewing, Va., and am a farmer.

Second question for same.--State whether or not you are acquainted with the real estate of which George Morely died seized and possessed?

Answer.--I am.

Third question for same.--Please state, in your opinion, what is a fair cash value of said entire real estate?

Answer.--\$800.00.

Fourth question for same.--What interest do you now own in said land, and what interests do Lizzie and Smith Bailey own in said land?

Answer.--I own one-eighth. Lizzie Bailey owns one-eighth in her own right, and she and her husband, Smith Bailey, have purchased, and own jointly three-eighths. They have purchased the interests of Lewis Morely, John

E. Morely and Martha Levarton, at the price of \$100.00 each.

Fifth question for same.--State whether or not, in your opinion, one hundred dollars is a fair cash value of a one-eighth interest in said land?

Answer.--I believe it is, yes.

Sixth question for same.--State whether or not, in your opinion, the interests of the infant owners will be promoted by a sale of their interests in said land? And if so, state your reasons therefor.

Answer.--I would think so. If the land were divided there would be only some 15 or 16 acres to each share, and it would cost more to keep that share up than the proceeds would be.

Question 7 for same.--Please state what you propose to do in the event the infants interests are decreed to be sold?

Answer.--I will give one dollars per share, in cash, for said interests, or if they are laid off and assigned to me without a sale, I will pay them that much, exclusive of their proportional part of the costs of this suit.

Eighth question for same.--If their interests are sold without a decree for partition will it be necessary for commissioners to be appointed to make a partition between you, if you should get their interest, and Lizzie and Smith Bailey.

Answer.--I think we could partition among ourselves in that event.

Cross-Examination.

First question by G.A.L.--What relation are you to the infant defendants?

Answer.--I am brother of two of them and uncle of the others.

Third question by same.--State whether or not, in your opinion, the interests of the onfant owners would be promoted by a sale of their shares and an investment of the proceeds, or will it be more to their interests to have their shares allotted or assigned them.

Answer.--I think it would be greatly to their interest to have their interests sold. If the lands were divided the interests would be small, and it would cost almost as much as they are worth to fence them. Then I do not think the land could be divided into eight part so as to make them all convenient to wood and water. In other words I think it would be impracticable for the land to be partitioned into eight parts, or divided into one-eighth shares.

Fourth question by same.--What do you consider a fair cash value ~~m~~ for one eighth interest in said tracts of land?

Answer.--I should think that one hundred dollars would be a big price, I would not give that.

Cross-Examined.

First question by guardian ad litem.--Are you in any way interested in these lands or the sale of them?

Answer.--Not in the least.

Second question by same.--What do consider said two tracts of land would rent for per annum in cash?

Answer.--I think \$40.00 \$45.00 would be a good price

Third question by same.--If said lands were partione into eighths, what would be the fair cash rental value of one of them, in your opinion?

Answer.--\$4.00 or \$5.00. It would largely be fence-rows.

And further this deponent saith not.

W. C. Sullivan

W.E.Wynn, another witness of lawful age being first duly sworn, deposes as follows:

First question for plaintiff.--State your age, residence and occupation.

Answer.--I am fifty-seven years of age, reside at Ewing, Va., and am Treasurer of Lee County and a farmer.

Second question for same.--State whether or not you are acquainted with the real estate of which George Morely died seized and possessed?

Answer.--I am.

Third question for same.--State whether or not, in your opinion, the interests of the infant owners, will be promoted by a sale of the same and an investment of the proceeds. Or would it be most to their interest to have their parts assigned and allotted to them?

Answer.--I think their interests would be promoted by a sale if the proceeds are properly used and applied. I think where infants own small interests in land, as in this case, it is better for them for it to be sold, because the interest on the money does them more good than the rents and profits of the land, as the land usually goes down and depreciates in value.

Fourth question for same.--What do you consider a fair cash value for the entire estate?

Answer.--\$1000.00.

Fifth question for same.--What would a one-eighth interest in said land be worth if the land were divided into eight parts?

Answer.--I would not consider it worth over \$100.00.

Cross-examined

First question by Guardian ad litem.--What is the fair cash ~~xxxxxxx~~ rental value per annum of said land?

Answer.--I should think that \$50.00 would be a good price for the whole of it.

And further this witness saith not.

W E Myers

Virginia, Lee County, to wit:

I, A.J. Myers, a Justice of the Peace in and for the County and State aforesaid, do certify that the foregoing depositions were duly taken, subscribed, and sworn to before me, at the time and place and for the purposes in the caption mentioned.

Given under my hand this the 29th day of Oct. 1897.

A. J. Myers, J. P.

John Morely -
vs. $\frac{3}{2}$ Depos.

Haily Brooks et als.

//

Costs:

J.P. \$1.00 paid
by Jeff

To the Honorable W.T. Miller Judge of the Circuit Court
of Lee County, Virginia:

Your undersigned Commissioner, begs to report that pursuant
to a decree entered in the Chancery Cause of Josh E. Morely
against Henly Brooks and others pending in the Circuit Court
of Lee County, and pronounced on the 5th day of November 1897
I proceeded on the 20th day of December 1897, at the front
door of the Court House of Lee County, after having first
advertised the same for 30 days according to the decree,
sold the lands in the bill mentioned to the highest and best
bidder, starting the sale at Josh Morely's bid, which was
\$341.74 and after crying the same for some time I knocked
it down to Josh E. Morely at the sum of \$341.74. Who became
the purchaser. Mr. Morely the purchaser paid your Commissioner
the costs and commissions amounting to \$58.82, and for the
residue executed his two several bonds of ~~\$\$\$~~ \$141.46, each
due respectfully in one and two years from date bearing
interest from date, with Smith Baily as surety, which your Com.
deems good.

Respectfully Submitted,

M. G. Ely

Special Commissioner

141.46
846
149.92 due Dec 20 1898
400 " " 20 1899
13892

31149.42 (49.97 due Dec. 2, 98 cash)

12
29
22
29
27
22
21

31158.92 (32.97 due Dec 20, 99)

138
8
24
27
22

Josh. E. Morely -

vs. { Report of sale
{ of land in & Ely

Henry Brooks et al -

Filed January 27th 1878

A. B. Munsey

To The Honorable H. A. W. Sherman, Judge of the
circuit court of Lee County Va.

Your undersigned commissioner in the
chancery cause of Josh E. Morely vs
Henry Brooks and others, reports that the
purchaser Josh. E. Morely, of lands of the infants
in said cause, has paid to your commission
the purchase money in full, and said purchaser
is entitled to a deed, Your commission
has paid said purchase to the Guardian of
said infants, and has his receipts for the
same,

Respectfully submitted.

M. G. Ely Commissioner

Josh C. Mowley Off
no. 3 Report of Comm.
& M. 4. Ely

Wmly Brooks et al -

Filed March 13th 1900

A B Munsey Clerk

The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon *Henry Brooks Lewis Morely John E*

Morely Martha Levarton G W Levarton Lizzie Bailey Smith Bailey Blair
Morely Nattie Morely Lizzie Brooks Wm Brooks Arch Brooks Alice Brooks
Milton Brooks & Mallie Brooks, the last eight are infants

to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof. at the
Rules to be holden for said court, on the *1st* Monday in *October* 1897, to answer

a bill in Chancery, exhibited against *them* in our court by *Josh E*

Morely

. And have then there this writ.

Witness, A B. MUNSEY. Clerk of our said court, at the court-house. the *9th* day of

September 1897, and in the 122nd year of the Commonwealth.

A B Munsey Clerk.

A copy—Teste:

Clerk,

Josh E Morely

vs. { SUBPOENA
IN CHANCERY.

909
180
789

Henry Brooks et al

M H Ely

P. Q.

TO 1st Oct Rul s. 1897

CIRCUIT COURT

Excluded in part
September the 24. 97

By delivering An
office copy of the
Writ in To

Blair Marley and
Nattie Morely

N S Jennings JS
for Wm S Miller SBC

In the Clerk's Office of the ~~Chancery~~ Court of the County of Lee

Josh E. Morely

Plaintiff

against

Herly Brooks et al

Defendant

This day

M. G. Ely

personally appeared

before me

A. B. Munsey

Clerk of the said Court,

and being duly sworn, made oath that

Lizzie Bailey Smith Bailey
Herly Brooks, Martha Levay, & W. L. L. L. L. L.
Morely and John E. Morely

defendant & in the said suit are not resident & of the State of Virginia,

Given under my hand has Clerk of the said Court, this

21st day of September

1897

A. B. Munsey Clerk

Josh E Morley

vs.

{ AFFIDAVIT FOR ORDER
OF
PUBLICATION.

Henry Brookstals

M G Ely p. q.

VIRGINIA:--In the Clerk's Office of the Circuit Court of the County of Lee
on the 21st day of September 1897.

Against

Josh E Morely

Plaintiff

Henly Brooks et al

Defendant

In Chancery

The object of this suit is to

partition or sell the lands described
in the bill

And an affidavit having been made and filed that the defendant

Lizzie Bailey Smith
Bailey, Henly Brooks, Martha Levarton, & M
Levarton, Lewis Morely, and John E. Morely

are not resident of the State of Virginia, it is ordered that they do appear here within fifteen days
after due publication hereof, and do what may be necessary to protect their interest in this suit. And it is further
ordered that a copy hereof be published once a week for four weeks in the South West Virginian
and that a copy be posted at the front door of the court-house of this county on the first day of the next term of the
county court.

A copy—Teste:

M. G. Ely

P. O.

A. B. Munsey Clerk.

Josh E Morely

AGAINST

ORDER
OF
PUBLICATION.

Henry Brooks et al
M. G. Ely

P. Q.

I A. B. Munsey Clerk
of the Circuit Court of Lee
County Va. do hereby cer-
tify that I posted a copy
of the within at the front
door of the Court Court
house of Lee Co. on the 18th
October term of the County
Court of Lee County Va.
Given under my hand
this the 19th day of October
A. B. Munsey Clerk

The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon *Henry Brooks, Lewis Morely, John E. Morely,*
Martha Levarton, G. W. Levarton, Lizzie Bailey, Smith Bailey, Blair
Morely, Nattie Morely, Lizzie Brooks, Ann Brooks, Arch Brooks, Alice
Brooks, Milton Brooks, & Mollie Brooks, the last eight are infants
to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof, at the
Rules to be holden for said court, on the *1st* Monday in *October*, 189*7*, to answer

a bill in Chancery, exhibited against *them* in our court by *Josh*
E. Morely

And have then there this writ.

Witness, A B. MUNSEY, Clerk of our said court at the court-house, the *9th* day of

September, 189*7*, and in the 12*2nd* year of the Commonwealth.

A copy—Teste:

A B. Munsey Clerk.
A B. Munsey Clerk.

vs. { SUBPENA
IN CHANCERY.

P. Q.

TO Rul s.

CIRCUIT COURT

not returned found
this order the 4:57
N S Jennings ES per
J. B. Miller S L C

Southwest Virginian, }
Jonesville, Va. }

The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon *Henry Brooks, Lewis Brooks, John E.*

Morely, Martha Levarton, G. W. Levarton, Lizzie Bailey, Smith Bailey, Blair

Morely, Nattie Morely, Lizzie Brooks, Mrs. Brooks, Arch. Brooks, Alice Brooks,

Milton Brooks & Mollie Brooks, the last eight are infants

to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof, at the

Rules to be holden for said court, on the *15th* Monday in *October*, 189*7*, to answer

a bill in Chancery, exhibited against *them* in our court by *Josh E.*

Morely

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said court, at the court-house, the *9th* day of

September 189*7*, and in the 12^{*th*} year of the Commonwealth.

A copy—Teste:

A. B. Munsey Clerk.
A. B. Munsey Clerk.

VS. { SUBPENA
IN CHANCERY.

P. Q.

TO

Ruls.

CIRCUIT COURT

sent & to be met for
this October 4 93
N. S. Jennings 258
for paper & under 320

The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon

Herby Brooks Lewis Morely, John E
Morely, Martha Levarton, J. W. Levarton, Lizzie Bailey Smith Bailey Blair
Morely, Nathie Morely, Lizzie Brooks, Wm Brooks, Arch Brooks, Alice Brooks
Milton Brooks & Mollie Brooks. the last eight are infants

to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof, at the

Rules to be holden for said court, on the 1st Monday in October 1897, to answer

a bill in Chancery, exhibited against them in our court by Josh E

Morely

Josh E

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said court, at the court-house, the 9th day of

September

1897, and in the 12 2nd year of the Commonwealth.

A copy—Teste:

A. B. Munsey Clerk.

A. B. Munsey Clerk.

vs. { SUBPCENA
IN CHANCERY.

P. Q.

TO _____ Rul s.

CIRCUIT COURT

may. Leebar met, former
this 24th day Nov 4.99
N. S. Jennings, D. S. per
John P. Metcalf, S. L.

Southwest Virginian, {
Jonesville, Va. }

The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon *Henrily Brooks, Lewis Morely, John E*

Morely, Martha Levarton, G W Levarton, Lizzie Bailey, Smith Bailey, Blair
Morely, Nattie Morely, Lizzie Brooks, Wm Brooks, Arch Brooks, Alice Brooks
Milton Brooks, & Mollie Brooks, the last eight are infants

to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof, at the

Rules to be holden for said court, on the 1st Monday in October 1897, to answer

a bill in Chancery, exhibited against them in our court by Josh E

Morely

And have then there this writ.

Witness, A B. MUNSEY, Clerk of our said court, at the court-house, the 9th day of

September 1897, and in the 12^{2nd} year of the Commonwealth.

A B Munsey Clerk.

A copy—Teste:

A B Munsey Clerk.

vs. { SUBPOENA
IN CHANCERY.

P. Q.

TO Rul s.

CIRCUIT COURT

Not, executor may have this cell

Subs. No 4. 57

*NS joining SS for
for executor 846*

The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon Henry Brooks, Lewis Morely, John E. Morely, Martha Levarton, H. M. Levarton, Sizzie Bailey, Smith Bailey, Blair Morely, Nattie Morely, Lizzie Brooks, Wm. Brooks, Arch Brooks, Alice Brooks, Milton Brooks, & Mollie Brooks, the last eight are infants

to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof, at the

Rules to be holden for said court, on the 1st Monday in October, 1897, to answer

a bill in Chancery, exhibited against them in our court by Josh E.

Morely

Josh E.

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said court at the court-house, the 9th day of

September 1897, and in the 22nd year of the Commonwealth.

A copy—Teste:

A. B. Munsey Clerk.

A. B. Munsey Clerk.

vs. { SUBPCENA
IN CHANCERY.

P. Q.

TO _____ Rul s.

CIRCUIT COURT

*Not Executed not
found this October
the 19th
N S Jennings SS for
off P. M. 1897*

The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon Henry Brooks, Lewis Morely, John E. Morely,
Martha Levarton, G. W. Levarton, Lizzie Bailey, Smith Bailey, Blair Morely,
Nattie Morely, Lizzie Brooks, Mrs. Brooks, Orah Brooks, Alice Brooks,
Milton Brooks, & Mellie Brooks. the last eight are infants
to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof, at the
Rules to be holden for said court, on the 1st Monday in October 1897 to answer
a bill in Chancery, exhibited against them in our court by Josh E.
Morely

. And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said court, at the court-house, the 9th day of
September 1897, and in the 12^{2nd} year of the Commonwealth.

A copy—Teste:

A B Munsey Clerk.
A B Munsey Clerk.

vs. { SUBPENA
IN CHANCERY.

P. Q.

TO _____ Ruls.

CIRCUIT COURT

Not. & Subpoena not found
this October 14. 99
N. S. Jennings
for J. P. & Helen G. G.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon Henry Brooks, Lewis Morely, John E. Morely, Martha Levarton, G. W. Levarton, Lizzie Bailey, Smith Bailey, Blair Morely, Nattie Morely, Lizzie Brooks, Wm Brooks, Arch Brooks, Alice Brooks, Milton Brooks, & Mollie Brooks, the last eight are infants to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof, at the Rules to be holden for said court, on the 1st Monday in October, 1897, to answer a bill in Chancery, exhibited against them in our court by Josh E. Morely

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said court, at the court-house, the 9th day of September, 1897, and in the 12^{2nd} year of the Commonwealth.

A copy—Teste:

A B Munsey Clerk.
A B Munsey Clerk.

SUBPENA
vs. {
IN CHANCERY.

P. Q.

TO _____ Rul s.

CIRCUIT COUR

*not exhibit not
found this
lib. the 4-8-88
D. S. Jennings
D. S. Jennings
386*

The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon Henry Brooks, Lewis Morely, John E. Morely,
Matha Levarton, J. W. Levarton, Lizzie Bailey, Smith Bailey, Blair Morely,
Nattie Morely, Lizzie Brooks, Wm. Brooks, Arch Brooks, Alice Brooks,
Milton Brooks, Mollie Brooks. The last eight are infants
to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof. at the
Rules to be holden for said court, on the 1st Monday in October 1897, to answer
a bill in Chancery, exhibited against them in our court by Josh E.
Morely

And have then there this writ.

Witness, A B. MUNSEY, Clerk of our said court at the court-house, the 9th day of
September 1897, and in the 12 2nd year of the Commonwealth.

A copy—Teste:

A B Munsey Clerk.
A B Munsey Clerk.

vs. { SUBPCENA
IN CHANCERY.

P. Q.

TO _____ Rule _____

CIRCUIT COURT:
West & Leitch next year
Mar 22nd 1899
N.S. Jennings D.
Leitch Wm. W. 3rd

The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon *Henry Brooks, Lewis Morely, John E
Morely, Martha Levarton, H. W. Levarton, Lizzie Bailey, Smith Bailey, Blair
Morely, Nattie Morely, Lizzie Brooks, Wm Brooks, Arch Brooks, Alice Brooks,
Milton Brooks, & Mollie Brooks, the last eight are infants*
to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof, at the
Rules to be holden for said court, on the 1st Monday in October, 1897, to answer
a bill in Chancery, exhibited against them in our court by Josh E
Morely.

And have then there this writ.

Witness, A B. MUNSEY, Clerk of our said court, at the court-house, the 9th day of

September 1897, and in the 12 2nd year of the Commonwealth.

A copy—Teste:

A B Munsey Clerk.

A B Munsey Clerk.

vs. { SUBPENA
IN CHANCERY.

P. Q.

TO _____ Ruls.

CIRCUIT COURT

not dated (not done)
the 22nd of the 4-97
vs Jennings &
for Mr. P. C. C. 926

Southwest Virginian, }
Jonesville, Va. }

The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon Henry Brooks, Lewis Morely, John E

Morely, Martha Levarton, G. W. Levarton, Lizzie Bailey, Smith Bailey Blair

Morely, Nattie Morely, Lizzie Brooks, Wm Brooks, Arch Brooks, Alice

Brooks, Milton Brooks, & Mollie Brooks, the last eight are infants

to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof, at the

Rules to be holden for said court, on the 1st Monday in October, 1897, to answer

a bill in Chancery, exhibited against them in our court by Josh E

Morely

And have then there this writ.

Witness, A B. MUNSEY, Clerk of our said court, at the court-house, the 9th day of

September 1897, and in the 122nd year of the Commonwealth.

A. B. Munsey Clerk.

A copy—Teste:

A. B. Munsey Clerk.

vs. { SUBPCENA
IN CHANCERY.

P. Q.

TO Rul s.

CIRCUIT COURT

*Not a letter not found
this is the 4th
J. J. Garrison
D. S. Garrison
of New York*

The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon *Henry Brooks, Lewis Morely, John E. Morely,*
Martha Levarton, & M. Levarton, Lizzie Bailey, Smith Bailey, Blair Morely,
Nattie Morely, Lizzie Brooks, Wm Brooks, Arch Brooks, Alice Brooks,
Milton Brooks, & Mollie Brooks, the last eight are infants
to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof, at the
Rules to be holden for said court, on the *15th* Monday in *October*, 189*7*, to answer
a bill in Chancery, exhibited against *them* in our court by *Josh E*
Morely.

And have then there this writ.

Witness, A B. MUNSEY, Clerk of our said court, at the court-house, the *9th* day of
September 189*7*, and in the 12*2nd* year of the Commonwealth.

A copy—Teste:

A B Munsey Clerk.
A B Munsey Clerk.

vs. { SUBPENA
IN CHANCERY.

P. Q.

TO Rul s.

CIRCUIT COURT

*Not a bill for a bill
This is a bill for a bill
N.S. Jennings & Son
apptd P. Miller & Co.*

Southwest Virginian, {
Jonesville, Va. }

The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon Henry Brooks, Lewis Morely, John C. Morely,
Martha Levarton, H. W. Levarton, Lizzie Bailey, Smith Bailey, Blair Morely,
Nattie Morely, Lizzie Brooks, Wm. Brooks, Arch Brooks, Alice Brooks,
Milton Brooks, & Mollie Brooks. The last eight are infants

to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof, at the
Rules to be holden for said court, on the 1st Monday in October 1897, to answer

a bill in Chancery, exhibited against them in our court by Josh
E. Morely

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said court, at the court-house, the 9th day of
September 1897, and in the 12th year of the Commonwealth.

A copy—Teste:

A. B. Munsey Clerk.

SUBPENA
vs. { IN CHANCERY.

P. Q.

TO _____ Rul s.

CIRCUIT COURT

*Not Delivered not
found this October
this 4. 89
N. J. Jennings \$5
for Mrs P. Moton \$20*

Southwest Virginian, {
Jonesville, Va. }

The Commonwealth of Virginia,

To the Sheriff of the County of Lee Greeting:

We command you to summon Herby Brooks, Lewis Morely, John E Morely
Martha Levarten, G W Levarten, Lizzie Bailey, Smith Bailey, Blair Morely
Nattie Morely, Lizzie Brooks, Wm Brooks, Arch Brooks, Alice Brooks
Milton Brooks & Mollie Brooks, the last eight are infants
to appear at the Clerk's office of our Circuit Court of the County of Lee at the court-house thereof, at the
Rules to be holden for said court, on the 1st Monday in October, 1897, to answer
a bill in Chancery, exhibited against Them in our court by Josh E
Morely

And have then there this writ.

Witness, A B. MUNSEY, Clerk of our said court at the court-house, the 9th day of

September 1897, and in the 12 2nd year of the Commonwealth.

A copy—Teste:

A B Munsey Clerk.
A B Munsey Clerk.

vs. { SUBPENA
IN CHANCERY.

P. Q.

TO Ruls.

CIRCUIT COURT

not. Exh. sent, and
this attached to the
N S J. J. J. J. J.
for the P. Q. Q. Q. Q.

❁ CERTIFICATE OF ORDER OF PUBLICATION. ❁

WE, A. M. Goins and W. M. ^H
~~Davidson~~, editors of the SOUTH-
 WEST VIRGINIAN, a weekly news-
 paper published at Jonesville,
 Lee county, Va., do hereby cer-
 tify that the annexed notice
 was published in said paper
 once a week for four successive
 weeks, commencing on the

23 day of Sept 1897.

A. M. Goins
 W. M. Eads } EDITORS.

Fee \$5.00

VIRGINIA.—In the Clerk's Office
 of the Circuit Court of the County of
 Lee on the 21st day of Sept. 1897.

Josh E. Morley, Plaintiff
 against

Henly Brooks et al. Defendants
 In Chancery.

The object of this suit is to par-
 tition or sell the lands described in
 the bill. And an affidavit having
 been made and filed that the defen-
 dants Lizzie Bailey, Smith Bailey,
 Henly Brooks, Martha Levarton,
 G. W. Levarton, Lewis Morley and
 John E. Morley are not residents of
 the State of Virginia, it is ordered
 that they do appear here within fif-
 teen days after due publication here
 of and do what may be necessary to
 protect their interest in this suit.
 And it is further ordered that a copy
 hereof be published once a week for
 four weeks in the Southwest Virgin-
 ian and that a copy be posted at
 the front door of the courthouse of
 this county on the first day of the
 next term of the county court.

A copy—Teste;

A. B. MUNSEY, Clerk.

G. Ely, P. Q.

9-23-4t

Josh & Marley
vs

Henry Brooks et al

Ord of Rule,

Pro Fee \$5.00

W. A. M. Jones and W. A. M. Jones
attorneys at law of the State of
New York, a weekly news-
paper published at Jamaica
in the county of Queens, New
York, that the annexed notice
was published in said paper
once a week for four successive
weeks commencing on the

23rd day of January
1884
\$5.00